

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET

NEW YORK, N.Y. 10007

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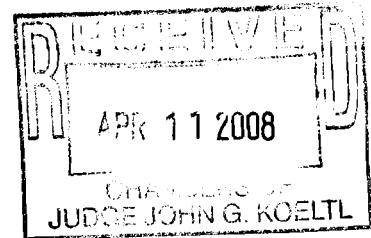
April 9, 2008

SUZETTE CORINNE RIVERA
Assistant Corporation Counsel
Phone: (212) 788-95671
Fax: (212) 788-9776
sriviera@law.nyc.gov

MICHAEL A. CARDOZO
Corporation Counsel

BY HAND

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Lugo v. The City of New York et al., 08 CV 2931 (JGK)

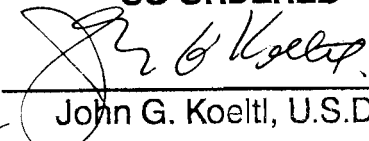
Dear District Judge Koeltl:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and counsel for defendants City of New York, Commissioner Martin F. Horn, Chief Carolyn Thomas and Deputy Commissioner Richard R. White. I write to respectfully request a sixty-day enlargement of time, from April 14, 2008, to June 13, 2008, within which the City may answer or otherwise respond to the complaint. We have conferred with plaintiff's counsel, Elora Mukherjee, Esq. regarding this request. Ms. Mukherjee does not consent to this request. This is the City's first request for an enlargement of time in this action.

The complaint alleges, inter alia, that plaintiff Juan Pablo Lugo was subjected to excessive force while in the custody of the Department of Correction. Before this Office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate this matter.

Furthermore, plaintiff is also alleging that he sustained physical injuries as a result of the alleged incident, therefore defendants will forward a HIPAA compliant medical release to plaintiff so that we can access his medical records.

APPLICATION GRANTED
SO ORDERED

4/14/08 
John G. Koeltl, U.S.D.J.

Moreover, the enlargement will allow us to ascertain whether the individually named defendants have been served.¹ In addition to the City of New York, plaintiff purports to name Correction Officer Captain Freeman Williams, Correction Officer Frank Gaeta, Correction Officer Urundi McCoy and Correction Officer Houston, as well as several unidentified correction officers. If service has been effectuated upon Correction Officer Captain Freeman Williams, Correction Officer Frank Gaeta, Correction Officer Urundi McCoy and Correction Officer Houston, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendants. Correction Officer Captain Freeman Williams, Correction Officer Frank Gaeta, Correction Officer Urundi McCoy and Correction Officer Houston must then decide whether they wish to be represented by this office. If so, we must obtain their written authorizations. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until June 13, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Suzette Corinne Rivera
Assistant Corporation Counsel

cc: BY FAX
Elora Mukherjee, Esq.
Emory Celli Brinckerhorr & Abady
212-763-5001

¹ Although this Office does not currently represent Correction Officer Captain Freeman Williams, Correction Officer Frank Gaeta, Correction Officer Urundi McCoy and Correction Officer Houston, and assuming they are properly served, this Office also respectfully requests this extension on their behalf in order that their defenses are not jeopardized while representational issues are being decided.